



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL
FRANKFORT

JOHN B. BRECKINRIDGE
ATTORNEY GENERAL

November 9, 1962

Mr. Hubert E. Ball
County Agricultural Extension Agent
Inez, Kentucky

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Dear Mr. Ball:

By letter of October 30, 1962, you have requested our opinion on the interpretation of certain words found in KRS 74.407. You advise that you are County Agent of the Martin County Improvement Association and that said Association is planning construction of a water and sewage disposal plant under Chapter 74 of the Kentucky Revised Statutes.

Your question is whether or not the words "acquire or develop" used in KRS 74.407 are broad enough to permit construction of a sewage system where none has heretofore existed.

KRS 74.407 reads in pertinent part as follows:

"In addition to the other authority which water districts presently have under this chapter, water districts are hereby authorized to acquire, develop, maintain and operate sewage disposal systems within the confines of their respective districts except that such sewer systems shall not include territory within the boundaries of existing municipal corporations having the authority to provide such sewer services without the consent of such municipal corporations. . . ."

It is the opinion of this office that the word "acquire" is broad enough to allow construction of a sewage disposal system by a water district

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where none have heretofore existed. Webster's New Collegiate Dictionary, 1960 Edition, defines the word "acquire" as "to gain by any means . . ." This definition was adopted by the court in a case dealing with the power of a corporation to "acquire" electric plants in a Minnesota case, Anchor Investment Co. v. Columbia Electric Co., Minn., 63 N.W. 1109.

In *Morgan v. Fayette County Board of Education, Ky.*, 172 S.W.2d 64 (1943), our Court of Appeals said:

" . . . The word 'acquire' is comprehensive and includes the meaning of 'to gain by any means; to get as one's own,' and is synonymous with to obtain and to procure. Webster's International Dictionary."

Further, we have discussed this matter with the attorney who drafted the 1962 amendment to Chapter 74 of the Kentucky Revised Statutes, KRS 74.407, and he advises that his intention was to include the granting of the power of initial construction of sewage disposal systems to the several water districts of the Commonwealth.

Very truly yours,

JOHN B. BRECKINRIDGE
ATTORNEY GENERAL

By: Ronald M. Sullivan
Assistant Attorney General

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